

6-638698

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAERSK INC., as agents for
A.P. MOLLER-MAERSK A/S,

Plaintiff,

- against -

AMC USA, INC.,

Defendant.
-----X

CIVIL COMPLAINT
IN ADMIRALTY



Plaintiff MAERSK INC., as agents for A.P. MOLLER-MAERSK A/S, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant AMC USA, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Shipping Act of 1984, as Amended, 46 U.S.C., App. Section 1701, et seq.

2. At all times hereinafter mentioned, plaintiff MAERSK INC., as agents for A.P. MOLLER-MAERSK A/S was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 9300 Arrowpoint Blvd., Charlotte, NC 28273.

3. Upon information and belief and at all times hereinafter mentioned, defendant AMC USA, INC. was and still is a New Jersey corporation doing business in the State of New York at 350 Fifth Avenue, Suite 1820, New York, NY 10118, with an agent for service of process at Corporation Service Company, 2711 Centerville Road, Suite 900, Wilmington, DE 19808.

4. From on or about March 9, 2010 to the present, defendant was the consignee and receiver of goods carried on plaintiff's Vessels.

5. Defendant was the party responsible to remit the ocean freight and related charges due pursuant to plaintiff's Tariff and/or Service Contract(s) with defendant.

6. Defendant, despite being listed as the consignee on the Bills of Lading, was acting in its capacity as a Non-Vessel Owning Common Carrier.

7. All shipments were properly completed by plaintiff.

8. On February 8, 2011, plaintiff issued a Statement of Account to defendant showing \$170,044.65 due (Exhibit A).

9. Plaintiff has performed all acts required to be performed by plaintiff.

10. Defendant has failed and refused and continues to fail and refuse to remit payment of \$170,044.65, although duly demanded.

11. By reason of the foregoing, plaintiff has sustained damages in the amount of \$170,044.65 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York
February 16, 2011

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By



Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK INC., as agents for
A.P. MOLLER-MAERSK A/S
551 Fifth Avenue, Suite 616
New York, NY 10176
(212) 696-1760

A. P. MOLLER - MAERSK GROUP

**MAERSK LINE****Account Statement Open Item**

AMC USA INC
350 5TH AVE
STE 1820
NEW YORK NY 10118
USA

Attention: APM Internal
Alt. Attention:

Statement Issue Date: 02-08-2011
Account Number: USC1300468
Statement Date: 02-08-2011
Our Contact Person: Colin OBrien
Our Contact Telephone:
Alt. Contact Person:
Alt. Contact Telephone

Dear Valued Customer,

According to our records, the balance of your account with our company as of the date shown above is stated below. You are kindly requested to check below invoices and arrange payment to us accordingly.

If payment has already been forwarded for these items, please allow up to 7 days for them to be reflected on your statement.

Should you have any questions, please call or write to our contact mentioned above so that we may assist you in reconciling any discrepancies as soon as possible.

D	Type	Document	Reference	Customer Ref	Tran Date	Due Date	Amount	Cur
	IMPORT	5242622830	859578378		03-09-2010	04-03-2010	2,048.37	USD
	IMPORT	5242663518	550587158		03-20-2010	04-14-2010	775.00	USD
	IMPORT	5242671175	860090500		03-23-2010	04-17-2010	3,570.00	USD
	IMPORT	5242745248	860181816		04-13-2010	05-08-2010	3,570.00	USD
	IMPORT	5242850766	550691890		05-12-2010	06-09-2010	46.57	USD
	IMPORT	5242861989	551140391		05-16-2010	06-09-2010	14.00	USD
	IMPORT	5242900027	550854833		05-25-2010	06-14-2010	425.00	USD
	IMPORT	3500458676	550992491	5242926009	06-08-2010	06-22-2010	1,450.00	USD
	INVOICE	5243012039	551068169		06-24-2010	06-24-2010	510.00	USD
	IMPORT	5242942647	860450100		06-08-2010	07-03-2010	1,500.00	USD
	IMPORT	3500639879	551059384	5242981022	07-09-2010	07-12-2010	84.00	USD
	IMPORT	5243051506	550691890		07-06-2010	07-26-2010	25.00	USD
	IMPORT	5243048679	860686653		07-06-2010	07-31-2010	1,405.00	USD
	IMPORT	5243063394	551458410		07-09-2010	08-03-2010	3,150.95	USD

MAERSK LINE
9300 ARROWPOINT BOULEVARD
CHARLOTTE NC 28273-8136
USA

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EXHIBIT "A"

A. P. MOLLER - MAERSK GROUP

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	DEM-CRED	5243208028	551535792	D	08-17-2010	08-04-2010	1,575.00	USD
	IMPORT	5243089434	551509390		07-16-2010	08-10-2010	28,971.00	USD
	IMPORT	5243089555	551549677		07-16-2010	08-10-2010	8,288.34	USD
	EXPORT	5243140050	551728359	1007UNTMX003	07-28-2010	08-17-2010	5,145.03	USD
	EXPORT	5243167763	551918704		08-04-2010	08-24-2010	4,844.42	USD
	IMPORT	5243141767	551231922		07-29-2010	08-25-2010	3,875.73	USD
	INVOICE	5243242570	551539321		08-25-2010	08-25-2010	1,445.00	USD
	INVOICE	5243242571	551579713		08-25-2010	08-25-2010	1,095.00	USD
	EXPORT	5243179667	551898200		08-09-2010	08-29-2010	4,208.89	USD
	EXPORT	5243191372	551918704		08-10-2010	08-30-2010	299.99	USD
	IMPORT	5243194547	551557917		08-11-2010	08-31-2010	390.00	USD
	IMPORT	5243164454	551815126		08-04-2010	08-31-2010	1,927.00	USD
	IMPORT	5243177712	551686208		08-08-2010	09-02-2010	2,140.90	USD
	IMPORT	5243186118	860674281		08-10-2010	09-04-2010	1,660.00	USD
	IMPORT	5243186275	860763157		08-10-2010	09-04-2010	3,875.00	USD
	IMPORT	5243276098	551927684		09-02-2010	09-27-2010	844.00	USD
	IMPORT	5243275706	551686274		09-02-2010	09-29-2010	3,865.17	USD
	IMPORT	5243302291	551929584		09-10-2010	10-05-2010	4,361.54	USD
	IMPORT	5243299412	551757113		09-09-2010	10-06-2010	2,557.27	USD
	IMPORT	5243324104	552055550		09-16-2010	10-06-2010	388.50	USD
	IMPORT	5243337411	551757113		09-18-2010	10-08-2010	250.00	USD
	IMPORT	5243338593	552059705		09-19-2010	10-14-2010	2,101.41	USD

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	IMPORT	5243379588	552069197		09-27-2010	10-19-2010	3,821.50	USD
D	EXPORT	5243446072	552300768	1009ECTMP002	10-07-2010	10-27-2010	3,427.30	USD
	IMPORT	5243426987	551910319		10-03-2010	10-28-2010	2,090.41	USD
	IMPORT	5243426958	552032285		10-03-2010	10-28-2010	2,115.41	USD
	IMPORT	5243435202	859680241		10-05-2010	10-30-2010	1,505.00	USD
	IMPORT	5243475826	552187985		10-15-2010	11-09-2010	3,232.46	USD
	IMPORT	5243472808	551910300		10-14-2010	11-10-2010	3,814.25	USD
	IMPORT	5243477755	552005245		10-17-2010	11-11-2010	2,121.51	USD
	IMPORT	5243499424	552178554		10-22-2010	11-15-2010	3,720.59	USD
	IMPORT	5243512348	860982774		10-26-2010	11-20-2010	1,740.00	USD
	EXPORT	5243561434	552509457	INLUS-1007	11-06-2010	11-26-2010	943.98	USD
	IMPORT	5243543614	860939326		11-02-2010	11-27-2010	1,940.00	USD
	IMPORT	5243566996	861005878		11-09-2010	12-04-2010	1,820.00	USD
	IMPORT	5243591216	552502166		11-14-2010	12-09-2010	3,844.63	USD
	IMPORT	5243617793	861031697		11-23-2010	12-18-2010	1,730.00	USD
	IMPORT	5243617779	861092453		11-23-2010	12-18-2010	2,415.08	USD
	IMPORT	5243702174	861119650		12-14-2010	12-19-2010	2,725.50	USD
	IMPORT	5243637992	552547880		11-26-2010	12-21-2010	3,854.99	USD
	PAYMENT	3411088324	3277	861119650	12-21-2010	12-21-2010	1,960.00	USD
	IMPORT	5243632423	552502130		11-25-2010	12-22-2010	3,843.20	USD
	IMPORT	5243649043	861087750		11-30-2010	12-25-2010	1,930.00	USD
	DET-INV	5243742228	552516974		12-27-2010	12-27-2010	1,530.00	USD

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	IMPORT	5243684776	861169306		12-08-2010	01-01-2011	1,930.00	USD
	IMPORT	5243689736	552550438		12-10-2010	01-04-2011	2,263.28	USD
	IMPORT	5243757269	552752902		12-30-2010	01-06-2011	2,710.80	USD
	IMPORT	5243782395	552926077		01-07-2011	01-12-2011	2,289.20	USD
	IMPORT	5243809424	552914893		01-17-2011	01-17-2011	209.55	USD
	IMPORT	3500145977	859578378		01-20-2011	01-20-2011	1,500.00	USD
	IMPORT	5243829588	552889296		01-21-2011	01-26-2011	3,953.00	USD
	IMPORT	5243830009	552932061		01-21-2011	01-26-2011	3,655.52	USD
	IMPORT	5243879418	552761058		02-03-2011	02-10-2011	3,808.21	USD
	IMPORT	5243887687	552889161		02-06-2011	02-11-2011	2,054.20	USD
Balance Due :							170,044.65	USD

Current	1 - 30 Days	31 - 60 Days	61 - 90 Days	Over 90 Days	Cur
5,862.41	8,607.27	22,972.85	19,944.96	112,657.16	USD

Information: D-Item(s) under dispute
Please note that reminder notice fees and interest charges will appear on the reminder notice.

Bank: Bank of America

Account Information:

Wire Only- ABA: 026009593 Account: 4426928403

ACH Only- ABA: 111000012 Account: 4426928403

If paying by check, please remit payment to:
Maersk Line
Attention: Payment Services-3rd Floor South
9300 Arrowpoint Boulevard
Charlotte, NC 28273-8136

MAERSK LINE
9300 ARROWPOINT BOULEVARD
CHARLOTTE NC 28273-8136
USA